

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM A. WEIS,)
Plaintiff,) **2:04cv52**
v.) **Electronic Filing**
ADVANCED CONSTRUCTION)
SERVICES, INC.,)
Defendant.)
Judge Cercone
Magistrate Judge Caiazza

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on January 15, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation, filed on August 19, 2005, recommended that the Defendant's Motion for Summary Judgment (Document No. 12) be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail and on the Defendant. Objections were filed by the Plaintiff on September 6, 2005. Defendant filed a Response to Plaintiff's Objections on September 28, 2005. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered: 

AND NOW, this 29 day of September, 2005,

IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment (Document No. 12) is granted.

The Report and Recommendation of Magistrate Judge Caiazza dated August 19, 2005 (Document No. 19), is adopted as the opinion of the court.



David Stewart Cercone
United States District Court Judge

cc: Honorable Francis X. Caiazza
U.S. Magistrate Judge

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